

CONTACT INFORMATION

For more information or assistance in developing a Language Access Plan go to

www.hawaii.gov/labor/ola

or contact:

Office of Language Access
Dept. of Labor and Industrial Relations
830 Punchbowl Street, Suite 322
Honolulu, Hawai'i 96813
Telephone: (808) 586-8730

Fax: (808) 586-8733

Email: dlir.ola@hawaii.gov

Neighbor Island Toll Free Numbers:

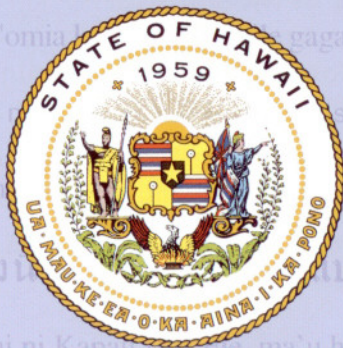
Big Island (800) 974-4000 ext. 68730

Kaua'i (800) 274-3141 ext. 68730

Maui (800) 984-2400 ext. 68730

Moloka'i & Lana'i (800) 468-4644 ext. 68730

TTY/TDD 586-3781



Governor Linda Lingle
State of Hawai'i

Elements of an Effective Written Language Access Plan:

- Guidelines or factors to be considered in determining effective and meaningful access to services by LEP persons.
- Competent and timely oral language services to LEP persons.
 - Procedure for providing interpretation/translation services.
 - A sample multilingual signage asking LEP customers to identify the language they need.
 - List of multilingual employees.
 - List of most common languages encountered.
- Procedures to ensure written translations of vital documents to LEP groups (5% or 1,000, whichever is less).
 - List of vital documents for translation.
 - A sample multilingual notice about translation needs.
- Procedures for providing written notices of right to receive competent and free oral interpretation of written materials to LEP groups subject to Section 371-33(c), HRS.
- Provide for a data collection and reporting system to determine the characteristics of LEP customers, the type and quality of services provided, the number and nature of complaints, if any, etc.
 - A sample of the data collection instrument.
- Evaluation process to determine if goals were met and to review and revise the plan every two years.
- Procedure to provide for the training of staff that will be in contact with LEP customers.
- Procedure to provide for the hiring of qualified personnel who are bilingual to fill existing, vacant, budgeted public contact positions, to the extent that such bilingual services are needed. (For State Agencies Only.)
- Designate a language access coordinator or point person who will be in charge of the implementation of the plan.



HAWAII'S LANGUAGE ACCESS LAW

What State Agencies and
State Funded Organizations
Should Know about Hawai'i's
Language Access Law and
their Obligation to Providing
Services to Limited English
Proficient Individuals

PURPOSE

Persons who do not speak English as a primary language comprise a significant portion of Hawai'i's population. Many of these individuals contribute to our economy, educate their children in our schools, and make valuable contributions to the State of Hawai'i.

However, many individuals with Limited English Proficiency (LEP) sometimes have difficulty obtaining services from state agencies, or covered entities (organizations that receive state funding), because of their limited ability in the English language.

The State of Hawai'i has committed itself, and any organization it provides funding for, to ensure that all residents of Hawai'i, including non-English speakers and limited-English speakers, enjoy full access to and participation in the life of our community.

As such, all state agencies and state-funded organizations must take reasonable steps to ensure that LEP persons have meaningful access to the programs, services, and activities that those agencies provide.

LIMITED ENGLISH PROFICIENCY – LEP

Who is a Limited English Proficient Person?

Persons who do not speak English as their primary language and have a limited ability to read, speak, write, or understand English may be considered as Limited English Proficient, or LEP.

These individuals may be entitled to language assistance with respect to a particular type of service, benefit, or encounter.

THE LAW

Who Must Comply?

All state agencies and any organizations that receive state funds to provide services to the public.

What is the Office of Language Access (OLA)?

Act 290, SLH 2006, established the Office of Language Access (OLA) in the Department of Labor and Industrial Relations. The OLA is responsible to ensure that Hawai'i's residents who are not proficient in the English language are not denied access to essential government services, programs and activities, such as social service programs, job training and employment assistance programs, or a fair and impartial hearing.

The OLA is also a resource for agencies, public and private, to utilize in helping to determine if they are a "covered" entity under the law. The OLA also assists agencies in developing and implementing their Language Access Plan as required under state law, and resolving complaints regarding compliance with the law.

What is the State Law?

Act 290, Session Laws of Hawai'i 2006, (Chapter 371 - Part II, Hawai'i Revised Statutes) requires every state agency, or any organization receiving state funding that provides services to the public, to provide equal access of their agency's essential government services, programs and activities to all of Hawai'i's diverse population, regardless of what language they speak.

State agencies and state-funded organizations are required to provide both oral interpretation and written translation free of cost for those services that are identified utilizing the Four-Factor Analysis.

OBLIGATIONS

Four-Factor Analysis

The Four Factor Analysis is a reasonable steps test that will allow an agency or entity to determine whether it must provide language services. An agency or entity must look at the totality of circumstances, including the following four factors:

1. The number or proportion of LEP persons served or encountered in the eligible service population;
2. The frequency with which LEP persons come in contact with the services, programs, or activities;
3. The nature and importance of the services, programs, or activities provided and
4. The resources available to the state agency or covered entity.

Examples of Meaningful Language Access:

1. Direct foreign language communication by fluent bilingual staff.
2. Interpretation (oral), conducted in-person or by telephone by qualified interpreters.
3. Translation (written) by qualified translators.